

IN THE CHANCERY COURT  
OF SIMPSON COUNTY, MISSISSIPPI

2015-7s-762  
**FILED**

IN THE MATTER OF THE CONSERVATORSHIP  
OF VICTORIA DENISE NEWSOME  
MARILYN NEWSOME, CONSERVATOR

MAR 11 2015

TOMMY JOE HARVEY  
SIMPSON COUNTY CHANCERY CLERK

CAUSE # 2010-0146-P2

**FILED**

MAY 20 2015

OFFICE OF THE CLERK  
SUPREME COURT  
COURT OF APPEALS

ORDER FOR SEVERANCE  
AND FOR REVIEW  
OF PRIOR ORDERS

The court sua sponte does hereby enter this order of severance  
and review as follows:

1.

This conservatorship was originally filed as a fiduciary matter and shall remain a special matter filed pursuant to the statutes and the related Mississippi Rules of Civil Procedure and Uniform Rules of Chancery Court Practice for the handling of this fiduciary matter. The rules governing "probate" matters are distinctly different than other non-probate matters.

2.

The court is aware, by the file itself as well as pleadings filed and prior rulings of the court, that in the course of this action there have been orders entered and actions taken and omissions which have substantially impacted the best interest of Victoria Newsome. This court has a high responsibility to all wards and particularly Victoria Newsome. This court has, on multiple occasions, advised in open court

BOOK Y-8  
PAGE 00560

and in court orders, that prior orders of this court should be brought back before the court in order that this court can review the same and take corrective and remedial steps to modify, vacate, or otherwise change prior orders in accordance with all applicable laws. There has been no action on the court's request. Therefore, the court hereby sets April 9, 2015 for the court to conduct its own, on the record, review of all prior orders in this matter. The court will, upon completion of said review, issue further orders for hearings and other actions as may be necessary based upon such review. The Conservator, all attorneys, past and present, guardian ad litem(s) who are or may be affected by or interested in are welcome to come and observe the process as the court goes through such orders on the record. The court review on April 9, 2015 shall not be considered a hearing, will not be binding on any person but shall stand as the court's own review of the court's own orders to determine which, if any, of the orders the court deems should be reviewed and thereupon notice to any and all affected persons shall be issued in the manner and form prescribed by law. The court's determination shall not act to preclude review of any other matters which the Conservator may request be reviewed and / or re-considered.

3.

This court has by prior order authorized the conservator to pursue a separate action against certain named individuals all as set forth in the prior order authorizing the filing and pursuing of that separate action for damages against the persons so named.

BOOK Y-8  
PAGE 00561

4.

The court, upon routine review of the court file on Monday, March 9, 2015, discovered that the conservator, through mis-understanding or oversight, or for whatever reason, had erroneously filed the civil suit for damages in this actual cause of action. This is a special cause of action, fiduciary in nature. This cause is not the place for the filing of an action for damages. This cause is not the place to bring in parties who are not interested in the estate of the ward. The fact that this conservatorship has a claim against one or more of those parties doesn't lend itself to filing the action against those parties in this cause of action. This action has special procedures, accountings and other things which are uniquely established and ordered for these matters. There are special rules, including but not limited to Rule 6.00 et seq of the Uniform Rules of Chancery Court Practice which relate specifically and specially to this action but not in any way to such actions as the conservator seeks to file herein.

5.

The undersigned special judge was specially appointed to hear the Newsome Conservatorship. Therefore, this court has no authority to hear other separate actions in the absence of an order of the Supreme Court so authorizing. This court does have and must exercise appropriate authority over the filing of things within this cause in order to maintain the proper administration hereof.

BOOK Y-8  
PAGE 00562

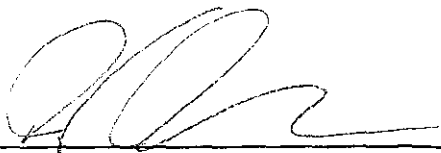
Pursuant to Rule 21, MRCP, this court, on its own initiative, does hereby order a severance of the matter styled "Marilyn Newsome, individually and as Conservator of Victoria Newsome v Joe Dale Walker, et al." from this cause; the court requires that the severance be effected immediately by the removal of all documents related to the new cause of action from this conservatorship file and the re-filing of the same in such manner as the rules and statutes related thereto provide.

IT IS, THEREFORE, ORDERED, ADJUDGED AND DECREED that the above referenced matter styled Marilyn Newsome, individually and as Conservator of Victoria Newsome v Joe Dale Walker, et al. is severed from this action pursuant to Rule 21 MRCP and the court requires that the severance be effected immediately by the removal of all documents related to the new cause of action from this conservatorship file and the re-filing of the same in such manner as the rules and statutes related thereto provide. The Chancery Clerk of Simpson County is hereby authorized and ordered to physically remove said items and to place them in a separate file and cause of action in accordance with all applicable procedural guidelines for filing fees, civil cover sheet and related provisions.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED the court will conduct its own on the record review of all prior orders and other actions taken in this file prior to the appointment of the undersigned.

This review shall be conducted on April 9, 2015 at 9:00 a.m. at the  
Simpson County Chancery Annex in Mendenhall, Mississippi.

Ordered this the 11<sup>th</sup> day of March, 2015.



Hollis McGehee, Special Judge

CERTIFIED A TRUE COPY OF ORIGINAL  
Instrument Now On Record In My Office This  
The 8<sup>th</sup> Day Of April, 2015  
5 Pages, Book Y-8 Page 00560  
Tommy Joe Harvey, Chancery Clerk  
By D. McKinnon

CERTIFIED A TRUE COPY OF ORIGINAL  
Instrument Now On Record In My Office This  
The 18<sup>th</sup> Day Of May, 2015  
5 Pages, Book Y-8 Page 560  
Tommy Joe Harvey, Chancery Clerk  
By D. McKinnon

BOOK Y-8  
PAGE 00564